

HOUSE JOINT RESOLUTION NO. 48

INTRODUCED BY CODY, RASMUSSEN, WHALEN, GOULD,  
BOHARSKI, HANSEN, SQUIRES, BLOTKAMP, GOOD, J. BROWN,  
STICKNEY, LEE, SIMON, KNAPP, STRIZICH, MCCORMICK,  
RUSSELL, T. NELSON

IN THE HOUSE

APRIL 11, 1989                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HUMAN SERVICES & AGING.

                                  FIRST READING.

APRIL 15, 1989                   COMMITTEE RECOMMEND BILL  
DO PASS.   REPORT ADOPTED.

APRIL 17, 1989                   PRINTING REPORT.

                                  SECOND READING, DO PASS.

                                  ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING THIS DAY.

                                  THIRD READING, PASSED.  
AYES, 97; NOES, 0.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 18, 1989                   INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE & SAFETY.

                                  FIRST READING.

APRIL 19, 1989                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN.   REPORT ADOPTED.

                                  ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON SECOND READING THIS DAY.

                                  SECOND READING, CONCURRED IN.

                                  ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.  
AYES, 46; NOES, 2.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 20, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE JOINT RESOLUTION NO. 48 Wm E. Bohan  
 2 INTRODUCED BY Cody Rasmussen Whalen  
 3 Specimen Bookin Don Brown Lee Knapp  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 6 INTERIM COMMITTEE TO STUDY THE IMPLICATIONS OF THE  
 7 COMMISSION FOR HUMAN RIGHTS' RULING IN WHEELER V. MONTANA  
 8 DEPARTMENT OF FAMILY SERVICES REGARDING PUBLIC AND PRIVATE  
 9 ADOPTION SERVICES IN THE STATE; AND REQUIRING THAT THE  
 10 COMMITTEE REPORT ITS FINDINGS TO THE 52ND LEGISLATURE.

11  
 12 WHEREAS, in 1988, the Commission for Human Rights ruled  
 13 in Wheeler v. Montana Department of Family Services that  
 14 the Department had violated Title 49, chapters 2 and 3, MCA,  
 15 commonly known as the Human Rights Act and the Governmental  
 16 Code of Fair Practices, with regard to the denial of  
 17 adoption services on the basis of age, marital status, and  
 18 religion; and

19 WHEREAS, as a result of this ruling, the Department of  
 20 Family Services no longer provides adoption services for  
 21 infants under 1 year of age; and

22 WHEREAS, private adoption agencies in the state filed  
 23 amicus briefs in the case on behalf of the Department; and

24 WHEREAS, these private agencies are concerned that the  
 25 Wheeler ruling will be applied to their adoption services;

1 and

2 WHEREAS, it is in the best interests of prospective  
 3 adoptive parents and adoptive children that all questions of  
 4 law be settled so that adoption services by the state and  
 5 private agencies may be readily available.

6  
 7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 8 OF REPRESENTATIVES OF THE STATE OF MONTANA:

9 That an appropriate interim committee be assigned to:

10 (1) examine current adoption policies and practices of  
 11 the Department of Family Services;

12 (2) evaluate existing laws in other states and court  
 13 cases in other jurisdictions pertaining to the adoption of  
 14 children, especially infants;

15 (3) determine whether the Department is entitled to  
 16 exemptions from the Human Rights Act and the Governmental  
 17 Code of Fair Practices with regard to use in adoptions of  
 18 such considerations as age, marital status, or religion;

19 (4) evaluate the rights of birth parents with respect  
 20 to the choice of adoptive parents; and

21 (5) evaluate the effects of the Wheeler ruling on  
 22 private adoption agencies.

23 BE IT FURTHER RESOLVED, that the interim committee  
 24 report its findings to the 52nd Legislature and present  
 25 options for legislative consideration if the committee

LC 1804/01

1 determines that options are necessary.

-End-

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

1 HOUSE JOINT RESOLUTION NO. 48 Wm E Bd  
 2 INTRODUCED BY Cody Rasmussen Whalen  
 3 Spencer Blomquist Jim Brown Lee Knapp  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 6 INTERIM COMMITTEE TO STUDY THE IMPLICATIONS OF THE  
 7 COMMISSION FOR HUMAN RIGHTS' RULING IN WHEELER V. MONTANA  
 8 DEPARTMENT OF FAMILY SERVICES REGARDING PUBLIC AND PRIVATE  
 9 ADOPTION SERVICES IN THE STATE; AND REQUIRING THAT THE  
 10 COMMITTEE REPORT ITS FINDINGS TO THE 52ND LEGISLATURE.

11  
 12 WHEREAS, in 1988, the Commission for Human Rights ruled  
 13 in Wheeler v. Montana Department of Family Services that  
 14 the Department had violated Title 49, chapters 2 and 3, MCA,  
 15 commonly known as the Human Rights Act and the Governmental  
 16 Code of Fair Practices, with regard to the denial of  
 17 adoption services on the basis of age, marital status, and  
 18 religion; and

19 WHEREAS, as a result of this ruling, the Department of  
 20 Family Services no longer provides adoption services for  
 21 infants under 1 year of age; and

22 WHEREAS, private adoption agencies in the state filed  
 23 amicus briefs in the case on behalf of the Department; and

24 WHEREAS, these private agencies are concerned that the  
 25 Wheeler ruling will be applied to their adoption services;

1 and

2 WHEREAS, it is in the best interests of prospective  
 3 adoptive parents and adoptive children that all questions of  
 4 law be settled so that adoption services by the state and  
 5 private agencies may be readily available.

6  
 7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 8 OF REPRESENTATIVES OF THE STATE OF MONTANA:

9 That an appropriate interim committee be assigned to:

10 (1) examine current adoption policies and practices of  
 11 the Department of Family Services;

12 (2) evaluate existing laws in other states and court  
 13 cases in other jurisdictions pertaining to the adoption of  
 14 children, especially infants;

15 (3) determine whether the Department is entitled to  
 16 exemptions from the Human Rights Act and the Governmental  
 17 Code of Fair Practices with regard to use in adoptions of  
 18 such considerations as age, marital status, or religion;

19 (4) evaluate the rights of birth parents with respect  
 20 to the choice of adoptive parents; and

21 (5) evaluate the effects of the Wheeler ruling on  
 22 private adoption agencies.

23 BE IT FURTHER RESOLVED, that the interim committee  
 24 report its findings to the 52nd Legislature and present  
 25 options for legislative consideration if the committee

LC 1804/01

- 1 determines that options are necessary.

-End-

1 HOUSE JOINT RESOLUTION NO. 48 Wm E Bd  
 2 INTRODUCED BY Cody Rasmussen Whalen  
 3 Spencer Bidman Don Brown Ken Knapp  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 6 INTERIM COMMITTEE TO STUDY THE IMPLICATIONS OF THE  
 7 COMMISSION FOR HUMAN RIGHTS' RULING IN WHEELER V. MONTANA  
 8 DEPARTMENT OF FAMILY SERVICES REGARDING PUBLIC AND PRIVATE  
 9 ADOPTION SERVICES IN THE STATE; AND REQUIRING THAT THE  
 10 COMMITTEE REPORT ITS FINDINGS TO THE 52ND LEGISLATURE.

11  
 12 WHEREAS, in 1988, the Commission for Human Rights ruled  
 13 in Wheeler v. Montana Department of Family Services that  
 14 the Department had violated Title 49, chapters 2 and 3, MCA,  
 15 commonly known as the Human Rights Act and the Governmental  
 16 Code of Fair Practices, with regard to the denial of  
 17 adoption services on the basis of age, marital status, and  
 18 religion; and

19 WHEREAS, as a result of this ruling, the Department of  
 20 Family Services no longer provides adoption services for  
 21 infants under 1 year of age; and

22 WHEREAS, private adoption agencies in the state filed  
 23 amicus briefs in the case on behalf of the Department; and

24 WHEREAS, these private agencies are concerned that the  
 25 Wheeler ruling will be applied to their adoption services;

1 and

2 WHEREAS, it is in the best interests of prospective  
 3 adoptive parents and adoptive children that all questions of  
 4 law be settled so that adoption services by the state and  
 5 private agencies may be readily available.

6  
 7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 8 OF REPRESENTATIVES OF THE STATE OF MONTANA:

9 That an appropriate interim committee be assigned to:

10 (1) examine current adoption policies and practices of  
 11 the Department of Family Services;

12 (2) evaluate existing laws in other states and court  
 13 cases in other jurisdictions pertaining to the adoption of  
 14 children, especially infants;

15 (3) determine whether the Department is entitled to  
 16 exemptions from the Human Rights Act and the Governmental  
 17 Code of Fair Practices with regard to use in adoptions of  
 18 such considerations as age, marital status, or religion;

19 (4) evaluate the rights of birth parents with respect  
 20 to the choice of adoptive parents; and

21 (5) evaluate the effects of the Wheeler ruling on  
 22 private adoption agencies.

23 BE IT FURTHER RESOLVED, that the interim committee  
 24 report its findings to the 52nd Legislature and present  
 25 options for legislative consideration if the committee

LC 1804/01

1 determines that options are necessary.

-End-



## 1 HOUSE JOINT RESOLUTION NO. 48

2 INTRODUCED BY CODY, RASMUSSEN, WHALEN, GOULD,  
3 BOHARSKI, HANSEN, SQUIRES, BLOTKAMP, GOOD, J. BROWN,  
4 STICKNEY, LEE, SIMON, KNAPP, STRIZICH, MCCORMICK,  
5 RUSSELL, T. NELSON  
6

7 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
8 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
9 INTERIM COMMITTEE TO STUDY THE IMPLICATIONS OF THE  
10 COMMISSION FOR HUMAN RIGHTS' RULING IN WHEELER V. MONTANA  
11 DEPARTMENT OF FAMILY SERVICES REGARDING PUBLIC AND PRIVATE  
12 ADOPTION SERVICES IN THE STATE; AND REQUIRING THAT THE  
13 COMMITTEE REPORT ITS FINDINGS TO THE 52ND LEGISLATURE.  
14

15 WHEREAS, in 1988, the Commission for Human Rights ruled  
16 in Wheeler v. Montana Department of Family Services that  
17 the Department had violated Title 49, chapters 2 and 3, MCA,  
18 commonly known as the Human Rights Act and the Governmental  
19 Code of Fair Practices, with regard to the denial of  
20 adoption services on the basis of age, marital status, and  
21 religion; and

22 WHEREAS, as a result of this ruling, the Department of  
23 Family Services no longer provides adoption services for  
24 infants under 1 year of age; and

25 WHEREAS, private adoption agencies in the state filed

1 amicus briefs in the case on behalf of the Department; and  
2 WHEREAS, these private agencies are concerned that the  
3 Wheeler ruling will be applied to their adoption services;  
4 and

5 WHEREAS, it is in the best interests of prospective  
6 adoptive parents and adoptive children that all questions of  
7 law be settled so that adoption services by the state and  
8 private agencies may be readily available.  
9

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
11 OF REPRESENTATIVES OF THE STATE OF MONTANA:

12 That an appropriate interim committee be assigned to:

13 (1) examine current adoption policies and practices of  
14 the Department of Family Services;

15 (2) evaluate existing laws in other states and court  
16 cases in other jurisdictions pertaining to the adoption of  
17 children, especially infants;

18 (3) determine whether the Department is entitled to  
19 exemptions from the Human Rights Act and the Governmental  
20 Code of Fair Practices with regard to use in adoptions of  
21 such considerations as age, marital status, or religion;

22 (4) evaluate the rights of birth parents with respect  
23 to the choice of adoptive parents; and

24 (5) evaluate the effects of the Wheeler ruling on  
25 private adoption agencies.

HJR 0048/02

1       BE IT FURTHER RESOLVED, that the interim committee  
2 report its findings to the 52nd Legislature and present  
3 options for legislative consideration if the committee  
4 determines that options are necessary.

-End-